

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MONTANA  
GREAT FALLS DIVISION

GORDON BEST and KIM LAVINE-  
BEST individually, as Co-Personal  
Representatives of the ESTATE OF  
KAYLYNN BEST and the ESTATE OF  
JENAE BEST, and on behalf of ADAM  
BEST, a disabled minor; COLTON  
BEST and ZACHARY BEST,

Plaintiffs,

vs.

DIETMAR GERST, B & D WALTER  
TRUCKING, LTD and DOES 1-3,

Defendants.

Cause No. 4:24-CV-00010 -BMM

**LETTER ROGATORY TO THE  
COURT OF KING'S BENCH OF  
ALBERTA FOR PABLO RENDON-  
GUILLEN**

**LETTER ROGATORY TO THE COURT OF KING'S BENCH FOR  
ALBERA, CANADA FOR PABLO RENDON-GUILLEN**

The United States District Court for the District of Montana (the "District

1 Court”) presents its compliments to the King’s Bench Court of Alberta, Canada,  
2 and respectfully requests international judicial assistance to obtain evidence to be  
3 used in the above-captioned civil proceeding before this Court. This Court requests  
4 the assistance described herein as necessary in the interests of justice:

5 The assistance required is that the King’s Bench Court of Alberta, Canada  
6 compel the appearance of the individual named below to testify at deposition in  
7 respect to the matters and issues identified in the below, and to permit the parties  
8 to create a written transcript thereof:

- 9 • Pablo Rendon-Guillen

10  
11 This Court further requests that your Court compel Mr. Pablo Rendon-Guillen  
12 to appear for deposition. As a witness in this action, Mr. Pablo Rendon-Guillen  
13 resides within your jurisdiction and justice cannot completely be done between the  
14 parties without their testimony.

15 The applicant for this letter is Defendant B&D Trucking Ltd. (“Defendant”).  
16 Counsel for Defendant is available to answer any questions you may have. Plaintiffs  
17 did not oppose Defendant’s Motion for Letters Rogatory as filed before this Court.

18 This request is made pursuant to Rules 4(f)(2)(B) and 28(b)(1)(B) of the  
19 Federal Rules of Civil Procedure; the All Writs Act, 28 U.S.C. § 1651 and § 1781  
20 (permitting the transmittal of letters rogatory through the district courts and  
21 Department of State); the *British Columbia Evidence Act*, R.S.B.C. 1996, c. 124; and  
22 the *Canada Evidence Act*, R.S.C. 1985, c. C-5.

23 The United States District Court for the District of Montana is a competent  
24 court of law and equity that properly has jurisdiction over this proceeding, and that  
25 has the power to compel the attendance of witnesses and production of documents  
26 both within and outside its jurisdiction.

1 On information and belief, Mr. Pablo Rendon-Guillen lives within the  
2 Province of Albera. On information and belief, Mr. Pablo Rendon-Guillen has  
3 knowledge of the subject matters specified below.

4 The testimony of Mr. Pablo Rendon-Guillen is intended for use at trial or  
5 directly in the preparation of trial, and in the view of this Court, will be relevant and  
6 material to claims and defenses in the case. This request is made with the  
7 understanding that it will in not require any person to commit any offense, or to  
8 undergo a broader form of inquiry than he or she would if the litigation were  
9 conducted in a Canadian court.

10 The requesting Court is satisfied that the evidence sought to be obtained  
11 through this request is material and necessary and cannot be reasonably be obtained  
12 by other methods. Because this Court lacks authority to compel participation of these  
13 persons and, such participation being necessary in order that justice be served in the  
14 above-captioned proceedings, this Court respectfully requests assistance from the  
15 King's Bench Court of Alberta, Canada.

- 16 1. Sender/Requested Judicial Authority: Honorable Brian Morris, United  
17 States District Court for the District of Montana, 125 Central Ave W Ste  
18 110, Great Falls, MT 59404.
- 19 2. Central Authority of the Requested State: King's Bench Court of Alberta,  
20 Canada, 1A Sir Winston Churchill Square, Edmonton AB T5J 0R2
- 21 3. Name of the case and identifying number: Best v. Dietmar Gerst et. al,  
22 Case No. 4:24-CV-00010 -BMM.
- 23 4. Person to whom the executed request is to be returned to: Jennifer L. Crow,  
24 Scheer.Law PLLC, 2101 Fourth Avenue, Suite 830, Seattle, WA 98121.
- 25 5. Specification of the date by which the requesting authority requires receipt  
26 of the response to the Letter of Request: It is requested that the receiving

1 court order the witness examinations requested herein be produced/ take  
2 place within 30 days.

3 6. Name and addresses of the parties and their representatives:  
4

5 Plaintiffs Best

6 Todd A. Hammer

7 Marcel A. Quinn

8 Hammer, Quinn & Shaw PLLC

9 100 Financial Drive, Suite 100

10 P.O. Box 7310

11 Kalispell, MT 59904-0310  
12

13 Defendants Gerst & B&D

14 Jennifer L. Crow

15 Scheer.Law PLLC

16 2101 Fourth Avenue, Suite 830

17 Seattle, WA 98121  
18

19 7. Nature and purpose of the proceedings and summary of the facts: This  
20 matter arises out of a multi-vehicle accident that occurred in Montana on  
21 May 3, 2021 in Conrad, Montana. Defendants' truck was the first vehicle,  
22 and the vehicle including Jenae Best and Kaylynn Best was the third  
23 vehicle. Pablo Rendon-Guillen was operating the second vehicle.

24 8. Identity and address of any persons to be examined

25 Pablo Rendon-Guillen

26 81 Falshire Terrace NE

1 Calgary, AB T3J3B7

2  
3 9. Questions to be put to the person to be examined or statement of the subject  
4 matter about which they are to be examined: See scope of topics below.

5  
6 10. Any requirement that the evidence be given on oath or affirmation and any  
7 special form to be used: It is required that these witnesses appear before a  
8 person empowered under British Columbia law to administer oaths and  
9 take testimony and give testimony under oath or affirmation on the topics  
10 listed.

11 11. Special methods or procedures to be followed: This Court further requests  
12 that the following special methods and procedures be followed during the  
13 deposition:

14 a. The examinations be conducted pursuant to the discovery rules  
15 provided in the Federal Rules of Civil Procedure of the United States,  
16 except to the extent that such procedure is incompatible with the laws  
17 of Alberta;

18 b. Testimony be recorded verbatim, transcribed by a person authorized  
19 to transcribe such depositions within the Province of Alberta, and that  
20 the transcript of such testimony be authenticated in accordance with  
21 your procedures;

22 c. The witnesses be examined for no more than ten and a half (10.5)  
23 hours if an interpreter is required, or seven (7) hours if not; and

24 d. The witnesses be examined as soon as possible.

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1 In the event that the evidence cannot be taken according to some or all of the  
2 procedures described above, this Court requests that it be taken in such manner as  
3 provided by the laws of Alberta for the formal taking of testimonial evidence.

4 12.Request for notification of time and place for the execution of the  
5 requested and address of any person to be notified: We respectfully  
6 request that any order made by the Court require the examining party to  
7 send notice of the time and place for the taking of testimony, and to provide  
8 copies under seal of the transcripts of such deposition and copies of the  
9 documents produced to the parties' representatives identified above.

10 13.Request for Attendance or Participation of Judicial Personnel of the  
11 Requesting Authority at the Execution of the Letter Rogatory: none.

12 14.Specification of privilege or duty to refuse to give evidence under the law  
13 of the state of origin: Under the laws of the United States, a party has a  
14 privilege to refuse to give evidence if the evidence discloses a confidential  
15 communication between that party and an attorney for that party that was  
16 made for the purpose of obtaining legal advice and for which privilege has  
17 not been waived. Parties also enjoy limited privileges on other grounds  
18 not relevant here such as communications between physician and patient,  
19 psychotherapist and patient, husband and wife, or clergy and penitent. U.S.  
20 law also recognizes a privilege against criminal self-incrimination.  
21 Outside the strict area of privilege, certain limited immunities are available  
22 that may place restrictions on the giving of evidence, such as the limited  
23 protection of documents created as the work product of attorneys during  
24 or in anticipation of litigation.

25 15.The reasonable fees and costs incurred in responding to this request will  
26 be borne by: The fees and costs incurred in the execution of this Request

1 that are reimbursable will be borne by Defendants. Mr. Hall is willing to  
2 return the reimbursable fees and costs incurred by the requested witnesses  
3 in complying with any order of the King's Bench Court of Alberta giving  
4 effect to this Request for International Judicial Assistance.

5 16. Reciprocity: The United States District Court for the District of Montana  
6 expresses its appreciation to the King's Bench Court of Alberta for its  
7 courtesy and assistance in this matter and states that it shall be ready and  
8 willing to assist the courts of Alberta in a similar manner when so  
9 requested.

10 DATED this 27th day of September, 2024.  
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14  
15  
16 Brian Morris, Chief District Judge  
United State District Court  
17



24  
25  
26 

27 Clerk of Court  
28 District of Montana  
29 Great Falls, Montana

30 SEAL OF COURT:

**TOPICS FOR THE DEPOSITIONS OF MR. PABLO RENDON-GUILLEN,**

Mr. Pablo Rendon-Guillen

- The subject accident of May 3, 2021, and all actions taken by Mr. Rendon-Guillen in the hour before the accident, and the hour after; and
- Statements made by Mr. Rendon-Guillen regarding the accident.



CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Montana, that the following is true and correct:

I am employed by the law firm of Scheer.Law PLLC.

At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Oregon, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On the date set forth below I served the document(s) to which this is attached, in the manner noted on the following person(s):

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
<b><u>CO/ Plaintiffs Gordon Best and Kim Lavine-Best, the Estate of Kaylynn Best, the Estate of Jenae Best, Adam Best, Colton Best and Zachary Best</u></b> Todd A. Hammer Marcel A. Quinn HAMMER, QUINN & SHAW PLLC 100 Financial Drive, Suite 100 P.O. Box 7310 Kalispell, MT 59904-0310 <a href="mailto:toddhammer@attorneysmontana.com">toddhammer@attorneysmontana.com</a> <a href="mailto:marcelquinn@attorneysmontana.com">marcelquinn@attorneysmontana.com</a>	<input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via E-service <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via E-Mail

DATED this 27<sup>th</sup> day of September 2024 at Portland, Oregon.

/s/ Rowik Kinnard  
Rowik Kinnard, Legal Assistant